

The Examiner has taken the position that the only difference between the instantly claimed process and that in the prior art amounts to the difference between a batch process (Bilgrien et al) and a continuous process. The Examiner has further cited In re Dilnot, 319 F. 2d 188, 138 USPO 248 (CCPA 1963) wherein it has been held that making a batch process continuous is obvious. Applicant has read the Dilnot case and agrees with the Examiner that Dilnot does hold that making a batch process continuous is obvious.

However, the applicant takes the position that the instant process, even though directed to a continuous process, is not directed to a continuous process derived from the batch process of Bilgrien, et al as the Examiner has stated.

The applicant would point out to the examiner that the instant process is an "integrated" process (claim 1, line 1). The process very clearly involves the removal of the siloxane material from the mixer and to a separate cooling apparatus for the express purpose of moving the siloxane material from the hot mixing apparatus and immediately into a cooling atmosphere so that there is no dwell time in the mixer at the increased temperature and in the presence of the heated mixer components. This move facilitates accelerated cooling of the powdered organopolysiloxane composition to a temperature below the decomposition and/or activation of a subsequently to be added catalyst (Cf. claims 1, lines 21 et seq. wherein "...facilitating accelerated bulk cooling thereof...").

The powdered organopolysiloxane composition is very sensitive at this juncture in the process. Eventhough the powdered organopolysiloxane composition is free flowing at this point , it is somewhat sticky and easily massed if significant compaction occurs which is quite often the case when the bulk polydiorganosiloxane powder is allowed to cool relatively undisturbed under ambient conditions, which in the case of cooling in the mixer is typically longer than in the instant process because of the fact that the metal components of the mixer have to be cooled as well (Cf. the instant specification, page 6, to page 7, paragraph [0022]).

This "facilitated" cooling prevents, or significantly lowers the rate of formation of compacted organopolysiloxanes.


This "facilitated cooling" is not found in Bilgrien, et al. The significance of this "facilitated cooling" is not discussed nor is the necessity of it even hinted at in the Bilgrien et al reference.

The use of this facilitated cooling, that is, outside the mixer, is the distinguishing feature of the instant process and therefore, the instant process is not just the continuous form of the Bilgrien et al bulk or batch process as the Examiner has stated and the instant process is not obvious therefrom.

The Examiner turns to Boudreau et al to teach a continuous process for compounding siloxane and fillers. The applicant would quickly point out to the Examiner that Boudreau et al teaches a continuous process directed to liquid silicone rubbers, not high consistency rubbers as in the instant process. What is significant is that liquid silicone rubbers do not have to be rendered into powdered or particulate materials as is done in the instant process. In fact, Boudreau et al teaches quite the opposite, (Cf. column 2, lines 58 to 60 of Boudreau et al) wherein a densified polymer/filler mass is created by that continuous process. Thus, in dealing with high consistency polymers being rendered into sensitive powdered or particulate matter, why would one turn to Boudreau et al to find out how to handle such materials? They would not and therefore, Boudreau et al and Bilgrien et al are impermissibly combined.

On the basis of the above comments, the applicant respectfully requests the Examiner to withdraw the rejection and allow the claims to issue.

Respectfully submitted,



Robert L. McKellar
Reg. No. 26,002
(989) 631-4551



PTO/SB/92 (09-04)

Approved for use through 07/31/2006. OMB 0561-0031 Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On: October 24, 2005

Signature

Molly Leins

Typed or printed name of person signing Certificate

989-631-4551

Registration Number, if applicable

Telephone Number

For USSN 10/719,489 in the name of Bixler, et al, entitled: INTEGRATED PROCESS FOR PREPARING A SILICONE RUBBER COMPOSITION, response under rule 1.111 consisting of 3 pgs., return receipt postcard.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.